

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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May 17, 2011

Senator Carpenter:

In *California Democratic Party v. Jones*, 120 S. Ct. 2402, 2414 (2000), the U.S. Supreme Court held that a state may not constitutionally require a political party to accept the result of a “blanket primary,” as proposed in this draft, to nominate the party’s candidates for office because this burdens the party’s First Amendment right to freedom of association by permitting nonadherents of the party to determine the party’s candidates for office. If this proposal becomes law, it is possible that Wisconsin parties would nevertheless acquiesce in a “blanket primary” procedure, but there would be no legal remedy should they choose not to do so.

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